Appeal Letter - FY 2006 **BEN 142146**

Lewis-Palmer School District #38

MAR 1 4 2007

PEULIVEU & RYDEEU I

FCC - MAILROOM

3-9-07

Primary Contact:

Tracey Lehman Lewis-Palmer School District #38 146 Jefferson, PO Box 40

Monument, Colorado 80132

FAX: 719 488 4079 Cell: 719 492-1552

tlehman@lewispalmer.org

C.C. Docket No. 02-6

To Whom It May Concern:

Lewis-Palmer School District #38 is appealing the decision to deny funding for FRN's 1394758, 1395019, 1395122, 1395333. We have sent this appeal to the SLD and it was denied. My understanding is they do not have the "power" to undo their original decision and therefore your review is required.

Lewis-Palmer School District #38 had a technology plan in place during the window in question. We have been under selective review and were asked by PIA Kenneth Solomon to send information regarding the Tech Plan. Kenneth asked me "Please indicate the date (month, day, and year) on which a 'completed draft' or 'final version' of the **Technology Plan** was first available" (see Attachment 1). In response to this request I sent Kenneth Attachment 1 and 2A. When Kenneth asked "...was first available", I thought he wanted to know when he could get it from the Colorado Department of Education and our State Coordinator, DeLilah Collins. That due date was April 28, 2006. He misinterpreted my email and thought that we had completed the plan AFTER the form 470 was filed.

To set the record straight: Lewis-Palmer School District #38 had a tech plan or working draft in place prior to the form 470 being submitted. This clear misunderstanding is costing this small district approximately \$46,160.00 in unfunded FRN's. That is a lot of money that should be coming back to the district.

Please also note that when PIA Kenneth was done with my files I was passed onto PIA Ed McClain. Ed never asked me questions about my tech plan nor the timing of its inception! Mr. McClain was interested in the vendor selection process and bills. The next letter I received was a DENIAL based on not having the Tech Plan completed PRIOR to the form 470. Again, we have had a tech plan in place since before 2003. It gets reviewed annually.

Additionally I understand that the SECA coordinators have submitted a "petition for the clarification of and/or waiver of E-Rate rules concerning technology plan creation and approval". The following is an excerpt from that petition, "The State E-Rate Coordinators' Alliance ("SECA") believes that many of these denials are the result of an unnecessarily strict interpretation of the FCC's technology planning requirements. SECA submits this petition to

> No. of Copies recid List ABCDE

seek clarification and/or waiver of these requirements and to suggest an alternative interpretation that it believes will meet the technology planning objectives of the program, be fairer to applicants, be easier for USAC to administer, and be more closely aligned with the technology plan approval activities of the states and their applicants. Specifically, SECA argues that, as a general rule, applicants with currently approved technology plan should be deemed complaint with the FCC's existing pre-Form 470 technology plan requirements."

Please evaluate my information and contact me if you have further questions.

Tracey Lehman
Director of Instructional Technology
Lewis-Palmer School District #38

Cell: 719.492.1552

You may also contact our State ERATE Coordinator;

Delilah Collins. State ERATE Coordinator

Colorado Department of Education

Collins_d@cde.state.co.us

Additionally,

I have attached the ORIGINAL tech plan from window (03/04-05/06) and included the member names that worked on the plan annually throughout that window.

Lewis-Palmer School District #38 is appealing the decision to deny funding for the following Internet Access services:

BEN: 142146

Service Provider Name: Infinite Campus Inc

SPIN: 143029587 FRN: 1394758

471 Application #: 507363

FCD Explanation: A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when

applicants apply for more than basic wireless and wireline telephone services.

BEN: 142146

Service Provider Name: Customer Acquisition, LLC

SPIN: 143023207 FRN: 1395019

471 Application #: 507363

FCD Explanation: A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when

applicants apply for more than basic wireless and wireline telephone services.

BEN: 142146

Service Provider Name: Trillion Partners, Inc.

SPIN: 143025872 FRN: 1395122

471 Application #: 507363

FCD Explanation: A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services.

BEN: 142146

Service Provider Name: Trillion Partners, Inc.

SPIN: 143025872 FRN: 1395333

471 Application #: 507363

FCD Explanation: A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when

applicants apply for more than basic wireless and wireline telephone services.

Amkyou, J. Lehman 3.9.07

Lehman, Tracey

From:

Lehman, Tracey

Sent:

Friday, July 21, 2006 3:03 PM

To:

'Solomon, Kenneth'

Subject:

RE: 142146 Lewis-Palmer School District Follow up questions - Revised!!

Attachments: letter to kenneth 7-21-06.doc; CDE approval letter 2003-2006.doc

Kenneth,

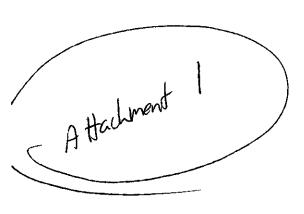
Here are the answers to question 3... Please reference the attachments. I am working on Question 1 and 2 now and will send those to you shortly.

3) Technology Plan: Please indicate the date (month, day, and year) on which a 'completed draft' or 'final version' of the Technology Plan was first available. Please indicate who wrote the Technology Plan and/or assisted you with the development (e.g. the School District, a consultant, an ESA, etc.) and who approved or will approve the Plan.

Thank you,

Tracey

Email From Kenneth (PIA)



Sent to Kehneth as response to (A Hch. 1)

KENNETH.

Below references the members of the team that worked on the 06/07 Information and Communication Technology Plan I sent you. This team worked on the plan from September 2005 – April 2006. It was due to the Colorado Department of Education April 28 but we submitted it a week early. (in blue)

Available April 21, 2006

DeLila Collins is our State ERATE approver. Below is an email that was sent to me certifying the ERATE component of our plan. (in red). The email was dated 6/30/2006.

Step 3: Review Complete

Congratulations! The Education Technology Unit has completed the FINAL review of the following section of the ET-IL plan submitted by your district.

E-rate

This section has met the minimum criteria required and is certified by the Colorado Department of Education, Education Technology Unit. Thank you for the time and effort put into this plan.

***Please note: Each section will receive a separate certification. ***

Please print this email and retain for your records and keep with your plan. E-rate certifications will be mailed to you no later than June 30, 2006.

If you have any questions regarding the information received, please contact the Ed Tech unit at 303.866.6850.

Thank you,

Education Technology Unit

Attackment 2 P

This is from Tech Plan 06/07 - 09/10 and was sent to 0/18 - Response to email (Attachment 1)

ACKNOWLEDGEMENTS

Lewis-Palmer School District #38 wishes to acknowledge the collaborative efforts of the following people who served on the 2005-06 District Information and Communication Team for their countless hours updating the ideas contained herein and assisting in revising this plan. Their efforts are greatly appreciated.

Executive Director of Assessment, Research and Technology:

Mr. Raymond Blanch

Executive Director of Curriculum and Instruction:

Mrs. Maryann Wiggs

Information and Communication Members:

Denee Child, Lewis Palmer High School Media Specialist

Lorena Wilder, Creekside Middle School Media Specialist

Tracey Lehman, District Instructional Technology Coordinator

Robert Templin, District Instructional Technology Coordinator

Steve Endicott, Manager of Technology Services

Additional Revision Team Members:

Elementary school media specialists

Elementary school technology specialists

Middle school media specialist





COLORADO DEPARTMENT OF EDUCATION

201 East Colfax Avenue [Central Office 303.866.6600] Denver, Colorado 80203-1704 • www.cde.state.co.us

William J. Moloney
Commissioner of Education

Roscoe Davidson
Deputy Commissioner

June 11, 2003

Tracey Lehman Lewis-Palmer School District PO Box 46 Monument CO 80132 Approval From Colorado

Dept. of Ed. for 03/04-05/06

Response to email (AH. 1) sent

to Kenneth

Dear Ms. Lehman:

On behalf of the Colorado Department of Education, Education Technology Center, I am pleased to notify you that the Educational Technology and Information Literacy (ET/IL) plan from *Lewis-Palmer School District* has been CERTIFIED for the purpose of Year 2003, 2004 and 2005 applications for E-Rate funding. The plan meets the five criteria that are core elements of successful school and library technology initiatives as required by the Schools and Libraries Division. This criteria is described on the following website: http://www.cde.state.co.us/edtech/erate-certif.asp

This certification covers telecommunications and other discounts for services from **July 1, 2003 to June 30, 2006** from the Universal Service Fund (USF) under the Telecommunications Act of 1996.

Please note that while the ET/IL plan submitted by Lewis-Palmer School District has been certified for the purpose of E-Rate, it is still pending CDE approval of the district accreditation, and formula and competitive funding through Title II-D (Enhancing Education Through Technology) of the Elementary and Secondary Education Act ("No Child Left Behind").

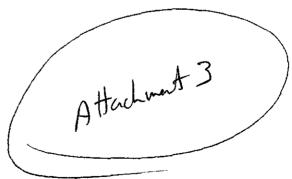
Please be sure to visit the CDE E-rate web page to get the latest updates: http://www.cde.state.co.us/edtech/erate.asp

Sincerely,

Gabriela Perez Medina
Special Projects Coordinator
E-rate, E2T2, & MathStar
CDE Education Technology Center
201 E. Colfax Avenue, Room 206
Denver, CO 80203

Voice: (303) 866-6850 Fax: (303) 866-6735

Email: perez g@cde.state.co.us





COLORADO DEPARTMENT OF EDUCATION

201 East Colfax Avenue [Central Office 303.866.6600] Denver, Colorado 80203-1704 • www.cde.state.co.us

William J. Moloney Commissioner of Education

July 1, 2006

Tracey Lehman Lewis-Palmer School District PO Box 46 Monument CO 80132

RE: eRate Certification

Dear Mrs. Lehman,

On behalf of the Colorado Department of Education, Education Technology Unit, I am pleased to notify you that the Educational Technology and Information Literacy (ET-IL) plan from *Lewis-Palmer School District* has been CERTIFIED for the purpose of E-Rate funding. The plan meets the five criteria that are core elements of successful school and library technology initiatives as required by the Schools and Libraries Division. This criteria is described on the following website: http://www.cde.state.co.us/edtech/erate-certif.asp.

This certification covers telecommunications and other discounts for services from July 1, 2006 to June 30, 2009 from the Universal Service Fund (USF) under the Telecommunications Act of 1996.

Sincerely

DeLilah Collins
Special Projects Coordinator
E-rate Coordinator
Education Technology
Office of Learning and Results
Colorado Department of Education
Tel. 303.866.6850
Fax 303.866.6735
collins d@cde.state.co.us

Afrahrand Haproval State Hetter



Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	

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PETITION FOR THE CLARIFICATION AND/OR WAIVER OF E-RATE RULES CONCERNING TECHNOLOGY PLAN CREATION AND APPROVAL UNDER THE SCHOOLS AND LIBRARIES UNIVERSAL SERVICE SUPPORT MECHANISM

Over the past year or so, at least 75 applicants have had their FY 2005 or FY 2006 applications (involving over 440 FRNs) denied by USAC for not having written technology plans at the time they filed their Form 470 or Form 471 applications. Typically, the stated reasons for these denials are expressed in the applicants' Funding Commitment Decision Letters as one of the following:

A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471. Technology plans are required when applicants apply for more than basic wireless and wireline telephone services.

Documentation indicates that you did not have a written Technology Plan at the time the Form 470 was filed. FCC rules require applicants to have a written tech plan, at the time the Form 470 is filed, if they are seeking discounts for more than basic phone service.

No technology plan covering the current funding year was in place when the Form 470 was filed. A written technology plan is needed if seeking discounts for more than basic phone service.

Additionally, an unknown number of Form 486s have been rejected — effectively denying funding on a post-commitment basis — for similar reasons (see further discussion below).

The State E-Rate Coordinators' Alliance ("SECA")¹ believes that many of these denials are the result of an unnecessarily strict interpretation of the FCC's technology planning requirements. SECA submits this petition to seek clarification and/or waiver of these requirements and to suggest an alternative interpretation that it believes will meet the technology planning objectives of the program, be fairer to applicants, be easier for USAC to administer, and be more closely aligned with the technology plan approval activities of the states and their applicants. Specifically, SECA argues that, as a general rule, applicants with currently approved technology plan should be deemed complaint with the FCC's existing pre-Form 470 technology plan requirements.

Background

Since its inception, a key tenet of the E-rate program has been that an applicant request for discounts on products and services (other than "basic" telephone services) be based on a technology plan. To this end, E-rate rules require that every applicant have a technology plan that encompasses five core components and that the plan be approved by a USAC-certified technology plan approver.

The SECA organization is comprised of individuals providing statewide E-rate coordination activities in 43 states and territories. Representatives of SECA typically have daily interactions with E-rate applicants to provide assistance concerning all aspects of the program. SECA provides face-to-face E-rate training for applicants and service providers and serves as intermediaries between the applicant and service provider communities, the Administrator, and the Federal Communications Commission (FCC or Commission). Furthermore, several members of SECA work for and apply for E-rate on behalf of large, statewide networks and consortia that further Congress' and the FCC's goals of providing universal access to modern telecommunications services to schools and libraries across the nation. In addition to the roles as State E-rate trainers and coordinators, most SECA members also provide the following services to the program: technology plan approval; applicant verification assistance to the Administrator's Program Integrity Assurance (PIA) Division; verification to the Administrator of applicable state laws confirming eligibility of certain applicant groups; contact of last resort to applicants by the Administrator; and verification point for free/reduced lunch numbers for applicants. Hence, SECA members are thoroughly familiar with E-Rate regulations, policies and outreach at virtually all levels of the program.

For several years, prior to the release of the FCC's Fifth Report and Order (FCC 04-190) on August 13, 2004, there had been some confusion regarding the required timing of the development and approval of a technology plan. Regarding the approval date, early FCC rules specified that a plan must be approved before the filing of a Form 470 for a given funding year. Consistent with certifications in FCC Form 470 and FCC Form 471, however, USAC procedures required only that a plan be approved by the start of services — normally July 1 of the funding year.

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In its Fifth Report and Order, the FCC resolved any remaining uncertainty concerning the required approval date by stating:

56. Technology Plan Timing. We revise section 54.504(b)(2)(vii) so that applicants with technology plans that have not yet been approved when they file FCC Form 470 must certify that they understand their technology plans must be approved prior to the commencement of service. In making this change, we recognize that the timing of technology plan approval in particular states and localities may not coincide perfectly with the application cycle of the schools and libraries support mechanism. At the same time, we emphasize that applicants still are expected to develop a technology plan prior to requesting bids on services in FCC Form 470; all that we are deferring is the timing of the approval of such plan by the state or other approved certifying body. Second, we amend our rules to require that applicants formally certify, in FCC Form 486, that the technology plans on which they based their purchases were approved before they began to receive service. This revision conforms our rules to the current instructions for filing FCC Form 470 and is consistent with the views of commenters. The revision permits applicants to meet our technology plan requirements as long as their technology plans will be approved before they begin receiving service. It also ensures that applicants formally confirm that their technology plans were approved when service begins.

Formal resolution of the plan approval date requirement was both a welcome and practical development. Over the course of the E-rate program's development, state departments of education (and other school and library organizations) had largely institutionalized the technology plan approval process geared to a July 1 approval deadline — typically requiring the submission of plans for review in the early spring. Had the FCC insisted upon plan approval prior to the filing of a Form 470, state approval procedures and schedules would have all had to be recast.

Although the FCC's Fifth Order resolved the requirements for technology plan approval, it did little more than reiterate the expectation that an applicant "...develop a technology plan prior to requesting bids on services in FCC Form 470." The Order, however, did not specify any

requirement as to the level of plan development at that stage in the funding cycle, nor did it establish any requirement that an applicant document the date on which a plan was "developed,"

The importance in clarifying the pre-Form 470 technology plan requirement has become increasingly evident as demonstrated by USAC's new Form 486 reviews. While USAC does not publicly reveal many of its procedures, it appears that USAC is randomly selecting certain Form 486s for technology plan review. An applicant, so selected, is being asked to provide:

- 1. Confirmation that the applicant has an approved technology plan consistent with the products/services requested and for the period of service for which discounts are sought.
- 2. A copy of the technology plan approval letter issued by an SLD-certified technology plan approver.
- 3. A written statement specifying the "creation date" (month/year) of the associated technology plan(s) which presumably must be on or before the date on which the applicant's Form 470 was posted.²

Any applicant who "fails" a tech plan review receives a Form 486 Rejection Letter, effectively putting the applicant's funding in limbo. The applicant will have already received a positive funding commitment decision but, unless and until the applicant's Form 486 is accepted, USAC will not process invoices for the associated FRNs. As a practical matter, therefore, an uncorrectable Form 486 rejection is equivalent to a denial.

Discussion

As a matter of policy and procedure, SECA takes no issue with a requirement that an applicant be able to confirm and/or document that it has an approved plan. As discussed above, the existence of an approved technology plan by the start of service is a longstanding requirement of the program, and the requirement to retain a copy of that plan and the associated approval letter is clearly stated in the FCC's Fifth Order.

It should be noted that he term "creation date" does not appear in any FCC regulations covering technology plans or in the technology plan information on the SLD website. A technology plan is a living, evolving document. Except when first completed, there is no follow-up "creation date." Thus the term "creation date" is confusing and misleading. The FCC should direct USAC to use the term "updated draft date."

The issue of proving and documenting that a technology plan had been developed prior to the filing of a Form 470, however, is much more problematic. SECA has the following concerns:

- FCC rules do not specify and USAC has provided little guidance regarding the degree to which a non-approved technology plan must be "developed" prior to filing a Form 470.³
- 2. Until USAC began asking selected applicants for the creation date of their plans, there had been no indication that any applicant should make note of that date, much less that they might be required to produce an unapproved copy of the plan as of that date.⁴
- 3. As being administered by USAC, Form 486 tech plan reviews are particularly troublesome for any consortium leader who, if not operating under consortium-wide technology plans, is being asked to provide evidence that all its members had developed technology plans before the consortium filed their Form 470s. For the consortium, which is already collecting LOAs and Form 479s and is tracking technology plan approvals for its members, this is an unacceptable additional burden.⁵
- 4. The pre-Form 470 technology plan requirement is being applied to a relatively small percentage of applicants subject to Selective Reviews, audits, or Form 486 reviews. As a practical matter, SECA suspects that most applicants, not operating under multi-year technology plan approvals, would have a difficult time meeting USAC's strict interpretation of pre-Form 470 plan development 9-10 months prior to the start of a funding year. Resulting Form 471 denials and Form 486 rejections, therefore, appear arbitrary and capricious.

³ USAC guidelines do stress that the pre-Form 470 technology plan must explicitly cover the entire forthcoming funding year, but such guidance is not currently reflected in any FCC Order.

⁴ We note that Para. 48 of the FCC's Fifth Report and Order indicates under the "Pre-bidding Process" bullet that "[b]eneficiaries must retain the technology plan and technology plan approval letter," but this language appears to refer to the approved technology plan associated with the approval letter, rather than to any developmental plan.

We are aware, for example, of at least one large consortium application with over 800 schools and libraries that has been in a Form 486 tech plan review status for over six months, delaying payment of over \$4 million. The consortium lead staff has spent 40-60 hours confirming hundreds of consortium member technology plan draft dates, "creation" dates, approval dates, etc., to address constantly changing requests from the Form 486 reviewer.

SECA asks, therefore, that the Commission review and clarify its rules with regard to the level of technology planning required before an applicant — whether it be a single school or library, a consortium, or even a state — posts a Form 470.

As an alternative to USAC's apparent interpretation, as reflected in its current review, denial, and rejection procedures, SECA suggests the following technology planning guidelines that it believes would better meet the spirit, intent, and letter of the FCC rules:

1. As a general rule, any school or library applicant operating under an approved technology plan at the time it files a Form 470 would be deemed to be compliant with the FCC's prebidding planning rules for the forthcoming funding year.⁶

Such a general rule would recognize, as a practical matter, that most changes in technology strategy are evolutionary rather than revolutionary. This is particularly true with regard to many E-rate eligible services that are ongoing in nature such as telecommunications, Internet access, and equipment maintenance services.

Acceptance of currently approved plans as a pre-Form 470 filing condition would permit most applicants to undertake more thorough and timely revisions to expiring plans the following spring, more in line with the plan review schedules of many state agencies. It would also eliminate incentive to produce virtually useless pro forma updates the preceding fall, at time when their current year applications may have not yet been approved, solely for E-rate compliance purposes.

Applicants would still be required to have an approved plan by the start of service.

2. As exceptions to the general applicant rule:

a. Any applicant planning to introduce a new technology initiative not covered in its existing plan would, upon request, be responsible for demonstrating that it was following the evaluation component of its current plan. Failure to so demonstrate, documented by a plan addendum, would jeopardize funding related only to the new initiative, not to ongoing needs.

⁶ Specifically, an applicant's compliance would be assured even if its plan's approval is set to expire 9-10 months hence at the end of the current year.

- b. Any applicant without a currently approved technology plan (e.g., a new E-rate applicant), would be responsible for preparing at least a draft technology plan addressing all five core components and covering the upcoming funding year prior to filing its first Form 470.
- 3. Statewide and/or consortium applicants should not be subject to pre-Form 470 technology plan requirements. In particular:

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a. A state contracting entity, filing a Form 470 in connection with state master contracts that may be used by E-rate applicants for a variety of eligible products and services, should not itself be subject to <u>any</u> technology plan requirements.

Most specifically, we believe that it is both unnecessary and impractical to require state agencies to track the technology plan status of all possible applicants who might or might not use the resulting state contracts. Furthermore, we see no real need or value in requiring a technology plan from state contracting agencies themselves, especially since most are not E-rate eligible and are not filing their own Form 471s.

Any applicant using a state master contract, however, would be required to have an approved (or draft) technology plan in place at the time it filed its Form 471. Such a plan should cover the services reference in the state master contract.

b. A consortium, not operating under its own consortium-wide technology plan, should be permitted to rely upon the technology plan status of each of its members when the consortium files a Form 470. As such, USAC procedures should be limited to a review of consortium member Letters of Agencies ("LOAs") if such LOAs contain appropriate certifications on technology plan status consistent with the suggested guidelines provided above.

Besides being fairer to the applicants and streamlining USAC's administrative procedures, one other major advantage of this approach would be to clearly align it with most states' existing technology plan procedures and review schedules. Given the importance of these organizations to the efficient and effective administration of the technology planning aspects of the E-rate program, such coordination is critical.

Regardless of whether the FCC clarifies its pre-Form 470 technology plan requirements along the lines suggested above, SECA asks that it waive any stricter interpretations with respect to applicants operating under approved technology plans whose related FY 2005 and FY 2006 Form 471 applications had been denied or Form 486s had been rejected or are currently under review. Whether or not those decisions have been appealed, we urge the Commission to instruct USAC to review and reverse all denials and rejections traceable to applicant confusion on pre-Form 470 technology planning and documentation requirements.⁷

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Respectfully submitted:

/s/ Gary Rawson

Gary Rawson Chairman State E-Rate Coordinators' Alliance Mississippi Department for ITS 301 N Lamar Street, Suite 508 Jackson, MS 39201 (601) 359-2613 Gary.Rawson@its.state.ms.us

February 21, 2007

⁷ Because the number of Form 471 denials is limited and well-defined by the denial status memo language, and the Form 486 rejections are presumably well-documented in a USAC database, the administrative burden of such a review should not be overly burdensome.



Universal Service Administrative Company

Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER Not Funded 7+8 (Funding Year 2006: 07/01/2006 - 06/30/2007)

December 5, 2006

Tracey Lehman LEWIS-PALMER SCHOOL DIST 38 146 JEFFERSON STREET PO BOX 40 MONUMENT, CO 80132

Re: Form 471 Application Number: 507363 Billed Entity Number (BEN): 142146 Billed Entity FCC RN: 0011609906 Applicant's Form Identifier: lpsd_All

Thank you for your Funding Year 2006 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

The amount, \$33,542.60 is "Approved."The amount, \$46,180.66 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file Form 486 (Receipt of Service Confirmation Form). A guide that provides a definition for each line of the Report precedes the Report.

A list of Important Reminders and Deadlines is included with this letter to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
 Review technology planning approval requirements
 Review CIPA requirements

- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

- 1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
- State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:

Appellant name,

- Applicant name and service provider name, if different from appellant,
- Applicant BEN and Service Provider Identification Number (SPIN),
- Form 471 Application Number 507363 as assigned by USAC,
- "Funding Commitment Decision Letter for Funding Year 2006," AND

IMPORTANT REMINDERS & DEADLINES

Form 471 Application Number: 507363 Billed Entity Number: 142146 Name of Billed Entity: LEWIS-PALMER SCHOOL DIST 38

YOUR NEXT STEPS IN THE APPLICATION PROCESS: Following are steps to assist you through the application process. Web page URLs are included to facilitate access to additional information on USAC's website.

REVIEW TECHNOLOGY PLANNING REQUIREMENTS - Program rules require a technology plan based on an assessment of needs and that those plans be approved before the start of services. See "Develop a Technology Plan" at http://www.usac.org/sl/applicants/step02/ for information about technology plan requirements and approvals.

REVIEW CHILDREN'S INTERNET PROTECTION ACT (CIPA) REQUIREMENTS - CIPA compliance is required for requests for Internet Access, Internal Connections and Basic Maintenance discounts. For information about CIPA requirements and certifications, see "Children's Internet Protection Act (CIPA)" at http://www.usac.org/sl/applicants/step10/cipa.aspx for information about CIPA and its requirements.

FILE FORM 486 - You must notify USAC of the start of service, the name of your USAC-certified technology plan approver and your compliance with CIPA on Form 486. See "Begin Receipt of Services" on our website at http://www.usac.org/sl/applicants/step10/.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date featured in the Form 486 Notification Letter or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. Use the "Deadlines" calculator on our website at http://www.usac.org/sl/tools/deadlines to calculate your Form 486 deadline.

INVOICE USAC - After eligible services have been delivered, invoice USAC to request reimbursement of approved discounts. For information about requesting reimbursement from USAC, see "Invoice USAC" on our website at http://www.usac.org/sl/applicants/step11/.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Use the "Deadlines" calculator on our website at http://www.usac.org/sl/tools/deadlines to calculate your invoice deadline.

DOCUMENT RETENTION - Documents related to the receipt of discounts must be retained for at least five years after the last day of service delivered. For more information, see "Document Retention Requirements" on our website at http://www.usac.org/sl/about/document-retention-requirements/default.aspx.

OBLIGATION TO PAY NON-DISCOUNT PORTION/FREE SERVICES ADVISORY - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. For further information, see "Obligation to Pay Non-Discount Portion" on our website at http://www.usac.org/sl/applicants/step11/obligation-to-pay.aspx and "Free Services Advisory" at http://www.usac.org/sl/applicants/step06/free-services-advisory.aspx.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Program are subject to suspension and debarment from the program. More information and a current list of persons who have been suspended or debarred is posted in "Suspensions and Debarments" on our website at http://www.usac.org/sl/about/suspensions-debarments.aspx.

COMPLETE PROGRAM INFORMATION - including more information on these reminders - is posted to the Schools and Libraries area of USAC's website at www.usac.org/sl. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

- The exact text or the decision that you are appealing.
- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal Schools and Libraries Division - Correspondence Unit 100 South Jefferson Road P.O. Box 902 Whippany, New Jersey 07981

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

An applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure thats that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each funding request in your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by USAC.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by USAC to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted.

FUNDING STATUS: Each FRN will have one of the following statuses:

- "Funded" the FRN is approved for support. The funding level will generally be the level requested unless USAC determined during the application review process that some adjustment is appropriate.
- 2. "Not Funded" the FRN is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for the Funding Year was insufficient to fund all requests.
- 3. "As Yet Unfunded" a temporary status assigned to an FRN when USAC is uncertain at the time the letter is sent about whether sufficient funds exist to make commitments for requests for Internal Connections Other than Basic Maintenance or Basic Maintenance of Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and with an "As Yet Unfunded" status on your Internal Connections requests. You would receive one or more subsequent letters regarding the funding decisions on your Internal Connections requests.

CATEGORY OF SERVICE: The type of service ordered from the service provider, as shown on your Form 471.

FORM 470 APPLICATION NUMBER: The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by USAC to service providers seeking payment from the Universal Service Fund Programs. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider, if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes, if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

CONTRACT EXPIRATION DATE: The Contract Expiration Date for this FRN from Block 5, Item 20b of your Form 471, if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a for "site specific" FRNs only.

NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR: The number of months of service that has been approved for the funding year, for recurring services.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 231, as determined through the application review process.

FCDL/Schools and Libraries Division/USAC

DISCOUNT PERCENTAGE APPROVED BY USAC: The discount rate that USAC approved for this service.

FUNDING COMMITMENT DECISION: The total amount of funding that USAC has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that both you and your service provider recognize that USAC should be invoiced and that disbursement of funds will be made only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FCDL DATE: The date of this Funding Commitment Decision Letter (FCDL).

WAVE NUMBER: The wave number assigned to FCDLs issued on this date.

LAST ALLOWABLE DATE FOR DELIVERY AND INSTALLATION FOR NON-RECURRING SERVICES: The last date approved by the FCC for delivery and installation of eligible non-recurring services (e.g., equipment). (The last allowable date for delivery and installation of recurring services is always the last day of the fund year, that is, June 30, 2007 for Funding Year 2006.)

Form 471 Application Number: 507363
Funding Request Number: 1994463
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 754090000552057
SPIN: 143005231
Service Provider Name Owest Corporation
Contract Number: MTM
Billing Account Number: 60/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$34,946.52
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Free-discount Amount pay 7978.61 - FRN approved as submitted
Funding Commitment Decision: \$13,978.61 - FRN modified in accordance with a RAL
request.

FCDL Date: 12/05/2006
Wave Number: 033
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007
Funding Request Number: 1394511
Funding Status: Funded
Form 1/43001/action Number: 754090000552057
Service Provydar Name: ICG Telecom Group, Inc.
Service Start Date: 07/01/2006
Service Start Date: 07/01/2006
Service Start Date: 07/01/2006
Service Start Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$19,339.20
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Number: 754090000552057

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Form 471 Application Number: 507363
Funding Request Number: 1394521
Funding Request Number: 1394521
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 754090000552057
SPIN: 143024740
Service Provider Name: Affinity Telecom, Inc. dba C-Com
Contract Number: MTM
Billing Account Number: Note: 08701/2006
Contract Expiration Date: 08/01/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,338.88
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Free-discount Amount: \$3,338.88
Discount Percentage Approved by the USAC: 40%
Funding Commitment Decision: \$1,335.55
FRN approved as submitted

FCDL Date: 12/05/2006
Wave Number: 033
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007
Funding Request Number: 1394546
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 754980000552057
SPIN: 143000893
Service Provider Name: Nextel West Corp
Contract Number: MTM
Billing Account Number: 7194884700
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$21,510.24
Annual Pre-discount Amount for Eligible Recurring Charges: \$21,510.24
Discount Percentage Approved by the USAC: 40%
Funding Commitment Decision: \$8,604.10 - FRN approved as submitted

FCDL Date: 12/05/2006 Wave Number: 033

Wave Number: 033'
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Form 471 Application Number: 507363 Funding Request Number: 1394758 Funding Status: Not Funded Category of Service: Internet Access
Form 470 Application Number: 754090000552057
SPIN: 143029587 SPIN: 143029587
Service Provider Name: Infinite Campus Inc.
Contract Number: MTM
Billing Account Number: 719 488 4700
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$7,800.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$7,800.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Selective - Tech Plan Required
Funding Commitment Decision Explanation: A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471.
Technology plans are required when applicants apply for more than basic wireless and wireline telephone services. FCDL Date: 12/05/2006 Wave Number: 033 Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007 Funding Request Number: 1395019
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 754090000552057
SPIN: 143023207 NO XV. llim SPIN: 143023207
Service Provider Name: Customer Acquisition, LLC
Contract Number: MTM
Billing Account Number: N/A
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$8,651.64
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$8,651.64
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Selective - Tech Plan Required
Funding Commitment Decision Explanation: A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471.
Technology plans are required when applicants apply for more than basic wireless and wireline telephone services. FCDL Date: 12/05/2006 Wave Number: 033

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Form 471 Application Number: 507363 Eunding Request Number: 1395122 Eunding Status: Not Funded Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 265940900566342
SPIN: 143025872
service Provider Name: Trillion Partners, Inc
Contract Number: n/a
Billing Account Number: 719 488 4700
Service Start Date: 07/01/2006
Contract Expiration Date: 05/15/2008
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$9,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$9,000.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Selective - Tech Plan Required
Funding Commitment Decision Explanation: A technology plan covering the current funding year was not in place at the time of the filing of the Forms 470 and 471.
Technology plans are required when applicants apply for more than basic wireless and wireline telephone services.

FCDL Date: 12/05/2006 Wave Number: 033

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1395333

Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 321000000428104

SPIN: 143025872

Service Provider Name: Trillion Partners, Inc
Contract Number: n/a

Billing Account Number: N/A

Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2008

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$90,000.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00

Pre-discount Amount: \$90,000.00

Discount Percentage Approved by the USAC: N/A

Funding Commitment Decision: \$0.00 - Selective - Tech Plan Required

Funding Commitment Decision: Splanation: A technology plan covering the current funding year was not in place at the time of the filling of the Forms 470 and 471.

Technology plans are required when applicants apply for more than basic wireless and wireline telephone services.

FCDL Date: 12/05/2006 Wave Number: 033 Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007